

1 **INTERVIEW OF: SERGEANT JEFF BRANDT**

2 **INTERVIEW BY: DETECTIVE DOUG BAXTER**

3 **DETECTIVE RICK DAVIS**

4 **ALSO PRESENT: ATTORNEY AMY GORDON**

5 **DATE: APRIL 7, 2014**

6 **DET. BAXTER:** Okay. The date is April 7, 2014. It's 1:25
7 p.m. We're here at the Oceanside Police Department and we'll
8 be interviewing Sergeant Jeff Brandt, who also has his attorney
9 present, Amy Gordon. I'm Detective Doug Baxter from the Crimes
10 of Violence Unit and my partner is Detective Rick Davis.

11 **Okay. You ready, Jeff?**

12 **SGT. BRANDT:** Yeah.

13 **DET. BAXTER:** Okay. Jeff, what time did you start your
14 work shift today?

15 **SGT. BRANDT:** I got there about 10 to 8:00. So 8:00
16 o'clock's when I'm supposed to start.

17 **DET. BAXTER:** And what's your usual work shift today?

18 **SGT. BRANDT:** 8:00 to 6:00.

19 **DET. BAXTER:** Is that your normal -- normal work shift?

20 **SGT. BRANDT:** Yeah, Monday through Thursday.

21 **DET. BAXTER:** And if I didn't ask this, a normal workday
22 for you as well?

23 **SGT. BRANDT:** Yes.

24 **DET. BAXTER:** Okay. And just -- today -- are you feeling
25 okay today? Are you sick, injured, have any injuries, anything



1 we need to talk about at all?

2 SGT. BRANDT: I'm good to go.

3 DET. BAXTER: Good to go.

4 SGT. BRANDT: Obviously we need to talk about something
5 though.

6 DET. BAXTER: Okay. And this morning, I think I
7 understood that you were going to be doing some kind of
8 training.

9 SGT. BRANDT: Yeah, we were meeting with Border Patrol
10 officials, 9:00 o'clock, in front of our office, and we were
11 going to figure out a place to go and talk about this training
12 exercise that they were going to be starting at 10:00. So I
13 met with the officials and then kind of heading over to do
14 the -- the little briefing.

15 DET. BAXTER: Okay. And where was that going to be?

16 SGT. BRANDT: We were going to meet at the Pelican --
17 Pelican bar, which is out by the fuel dock.

18 DET. BAXTER: Okay. Was that -- was that what you were
19 en route to this morning?

20 SGT. BRANDT: Yes.

21 DET. BAXTER: When this all happened?

22 SGT. BRANDT: Yes.

23 DET. BAXTER: Okay. And were you in a vehicle this
24 morning?

25 SGT. BRANDT: I was.



1 DET. BAXTER: Can you explain which vehicle?

2 SGT. BRANDT: 349.

3 DET. BAXTER: And what's that?

4 SGT. BRANDT: It's the new Interceptor SUV.

5 DET. BAXTER: Okay. And was anybody with you?

6 SGT. BRANDT: No.

7 DET. BAXTER: Okay. So tell me what happened? You're on
8 your way to training. What happened?

9 SGT. BRANDT: So Lieutenant got there. As we were getting
10 ready to go to the -- to the Pelican, so I told her that we
11 were going to go over there. We had a 10:00 o'clock meeting
12 for the dredge and also this training going on. So I told her
13 one of us was going to have to go to the meeting so we should
14 take two cars, and she said okay.

15 She was going to follow me to where they were. She
16 actually thought we were going to the Nautical Bean. I forgot
17 to tell her we were going to the Pelican because we were just
18 kind of like running around. I figured she was behind me. It
19 was no big deal.

20 So as I'm cruising down Harbor Drive, this older
21 gentleman in a red shirt is like flagging me down. His hands
22 are waving and so I see him, so I pull into the parking lot
23 right there by Breakwater, that lot. And he comes up to me and
24 he says, hey, there's a homeless-looking guy sleeping on the
25 bench over there.



1 And I'm like okay. He goes yeah, he's been there for
2 a while. I'm like okay. So as I'm pulling up, I -- I see Ken,
3 the owner of Ken's Custom Rod and Reels, which is attached to
4 the Breakwater building, and I pull up to him and I said, hey,
5 is there -- is there a bum over here? And he goes yeah, he's
6 on the bench right over there.

7 So I said okay. At this point I still hadn't logged
8 in to the car. We were just going to be running over to get
9 this briefing done and figure out the -- what the training was
10 going to be. And the lieutenant had gone by me and I thought,
11 oh, no, she's going to go to the wrong spot. I need to get a
12 hold of her. But this won't take that long. I'll just grab
13 her when I -- you know, I'll find out what this guy's doing
14 then I'll be on my way.

15 So I pull in and I'm probably like, I don't know, 15
16 stalls down from the building. Pull in, jump out of the car,
17 lock the door, and I grab my radio and I logged in on Inquiry.
18 Put myself -- logged myself in and put myself out on 1, 1300
19 Harbor Drive North, in front of Breakwater Yachts.

20 So as I'm walking up, there was a couple walking
21 along. Said good morning to them. There was a guy with -- I
22 could see the -- the guy laying on the bench. He was laying on
23 his side. There was a guy kind of out in front of the bench
24 with two -- I don't know what kind -- they looked like -- like
25 bulldogs. Real -- they were real big but kind of short. On



1 leashes. He was right there.

2 So I walk over and I see the guy. He's sitting on
3 the park bench that I showed you near the walk-through. So I
4 walked past him towards the west and turned back. And he was
5 laying -- I'm going to lay down right here just so you can kind
6 of see how he was laying.

7 So he was laying like this on the bench and his one
8 foot was like this, and this -- the -- his left foot was
9 pushing through the -- the opening where the rail is. So I was
10 off on this side over here and I said, hey, you know, police,
11 wake up, wake up. And he didn't respond.

12 So I just reached up with my foot, actually it was my
13 left foot, and I tapped his foot. Tap, tap. Tapped him on the
14 bottom of the foot a couple times. He kind of -- kind of
15 starts waking up. And, you know, I can't exactly remember what
16 I said first. I think I said, hey, you know, what's going on?
17 You know, police department, what's going on?

18 And he's kind of sitting up. And his mannerisms, he
19 didn't like respond to me directly. He was looking around as
20 he was getting up. And so as he sits up, he's kind of more
21 towards you on this side of the bench, and he's got his hands
22 like this. And he's like looking under the bench. I'm like,
23 what's going on with this guy?

24 And I go, hey, where you from? And he goes San --
25 he's like kind of groggy. He goes, "San Pedro." I said, "Oh,



1 you're from Pedro. What are you doing here?" He says, "I'm
2 fishing." And I said, "What kind of fishing are you doing?"
3 He's like -- he didn't really respond, and he keeps looking
4 down. And he's like looking under the bench. And I'm like,
5 what's going on?

6 At that point I see what later turns out to be the
7 butt of the gun. I thought it was a Taser sticking out of his
8 right sweatshirt pocket. So I get on the radio and I ask for a
9 second unit. I asked for a cover unit. So I've kind of got my
10 radio in my hand -- actually, I'm holding my radio and at this
11 point I notice that he's not looking under anymore, but he's
12 just staring right at my gun and he won't look at me. And he's
13 just staring directly at my gun.

14 And I'm like okay, I see what I think is a Taser in
15 his pocket. Something's -- something's not right here. So I'm
16 trying to get his attention. So I take the radio and I kind of
17 sweep it in front of his vision to like draw his eyes back up,
18 and he kind of looks at me. And when he looks at me, I said --
19 you know, I go -- I go, "5 Sam, 1288."

20 And I put my radio back on my hip, and he's still
21 looking at my gun and I'm trying to get him to talk. And
22 he's -- he's kind of -- still kind of fidgeting around and then
23 all of a sudden he just kind of comes up like this. And as he
24 comes up like this, I can see the gun now. It's not a Taser.
25 It's a gun.



1 **MS. GORDON:** Jeff, sorry. Just because we're recording --

2 **SGT. BRANDT:** Yes, ma'am.

3 **MS. GORDON:** -- can you describe what you're doing with
4 your hands?

5 **SGT. BRANDT:** He takes his right hand and he reaches into
6 his -- his sweatshirt pocket, and he's grabbing the gun at this
7 point. And I -- I kind of go back a little bit, and I'm like
8 this guy's going to kill me. I'm like oh, no.

9 And I just -- I just came back. I rocked a little
10 bit back on my heels. As I came out of the holster, I just put
11 three rounds, as he's coming out with this gun, right -- the
12 first one hit him right here. The second one, I think, caught
13 him right here, and the third one hit him right here.

14 **DET. BAXTER:** So you're indicating the right --

15 **SGT. BRANDT:** Right biceps.

16 **DET. BAXTER:** Okay.

17 **SGT. BRANDT:** Right shoulder area and right breast area.

18 **DET. BAXTER:** Okay.

19 **SGT. BRANDT:** And right in this area.

20 **DET. BAXTER:** Okay.

21 **SGT. BRANDT:** And then he stands up. So he stands up and
22 when he stands up, he comes up and he's still fumbling for the
23 gun. And he's kind of got it half in his hand, but his hand's
24 kind of falling, and I put one more into him center mass, and
25 the gun hits the deck. Bam.



1 And I'm like oh, geez, man, this is not happening
2 right now. What is -- what is wrong with this guy? And then
3 he turns away from me. And I've -- I've quartered off a little
4 bit more at this point. And my backdrop is the cinderblock,
5 the bench, so I'm like -- everything was good. And he turns
6 away from me and his hands go into his -- his shirt again. And
7 I'm like he's going for another gun.

8 So I put a third -- or a fifth round into his left
9 kidney and then he immediate went over. He fell. He kind of
10 spun back towards the building and fell headfirst towards the
11 building between the -- the bench and I think there might be
12 like a -- I don't know if there's anything else there. But he
13 was just on the -- on the -- the side of the bench between the
14 Breakwater door and the bench. He fell there, and the gun was
15 like right next to him.

16 And I saw him go limp, so I got my radio out and
17 said, "5 Sam, I got shots taken. Have suspect down. Need
18 1141." I knew I had Cunniff en route. I heard all the sirens
19 come on. And then there was a lot of sirens, so I was just --
20 got on the radio a couple times and told people, hey, you know,
21 "I've got one down right now. I'm okay. Everybody take your
22 time getting here."

23 And Dave and Goldtooth showed up. They were the
24 first two on scene. And as they came running up, I could see
25 that they were pulling their guns out and I still had him -- I



1 had him covered at that point.

2 Oh, before they got there, he was down. I did a
3 tactical reload. Transitioned, reloaded, put my magazine away.
4 So gun's on. Dave gets there and I'm -- I'm knowing we're
5 going to have to do First Aid on this guy. So as soon as Dave
6 gets there, I told him, "Put your guns away and get your gloves
7 on. We need to do First Aid."

8 They started doing First Aid on him. Or Dave comes
9 up actually -- so Dave goes, well -- and I go, "But the gun's
10 right there." So Cunniff took his foot, pushed the gun from
11 where it was, like right next to the bench, closest to where
12 the suspect was, and pushed it over to the other side with his
13 foot. Then they put on their gloves.

14 And then Lieutenant Laser showed up right then. And
15 I was still giving directions on the radio and she pulled me
16 off. She kind of pulled me back and she said, "Let them deal
17 with that. You and I are going over here." Gave her a safety
18 statement. So there's five rounds. All five are in him. It
19 was right here. And then we went to the other side of the
20 building.

21 DET. BAXTER: Okay. I'm just going to ask you some
22 follow-up questions that --

23 SGT. BRANDT: Absolutely.

24 DET. BAXTER: -- just to clarify things --

25 SGT. BRANDT: Yeah, no problem.



1 **DET. BAXTER:** -- in my own mind. And some things when you
2 gave descriptions about, you know, how you were -- how this guy
3 was laying and stuff, we have to clarify because we're
4 recording --

5 **SGT. BRANDT:** That's fine.

6 **DET. BAXTER:** -- about -- exactly how he (inaudible).

7 **SGT. BRANDT:** Absolutely.

8 **DET. BAXTER:** When -- when you first approached this guy,
9 you were flagged down by a citizen who let you know that this
10 guy was sleeping behind the -- the yacht building?

11 **SGT. BRANDT:** Yes.

12 **DET. BAXTER:** And what's the name of the yacht building
13 again?

14 **SGT. BRANDT:** Breakwater Yachts.

15 **DET. BAXTER:** Breakwater? And had you just cleared from
16 the harbor -- harbor police station to drive down the street
17 when this happened?

18 **SGT. BRANDT:** Yes.

19 **DET. BAXTER:** Okay. And this other lieutenant had already
20 gone on her way, headed over to the fueling dock?

21 **SGT. BRANDT:** She was right behind me and I saw the guy
22 waving, so I looped around into the parking lot and she went
23 by.

24 **DET. BAXTER:** Okay.

25 **SGT. BRANDT:** So -- we get flagged down a lot.



1 **DET. BAXTER:** Okay. And did you know who this person was
2 who flagged you down?

3 **SGT. BRANDT:** No. Huh-uh. He told me that he lived in
4 the towers right there.

5 **DET. BAXTER:** Okay. Did he give you a name at all?

6 **SGT. BRANDT:** Huh-uh. No.

7 **DET. BAXTER:** Okay.

8 **SGT. BRANDT:** No.

9 **DET. BAXTER:** Can you tell me what he looked like?

10 **SGT. BRANDT:** He was a gray-haired gentleman, probably
11 six-footish, 65, 70 maybe. You know, the hair color's
12 deceiving. He had on a bright red shirt. I actually pointed
13 him out to officers as we were leaving.

14 **DET. BAXTER:** Okay.

15 **SGT. BRANDT:** So I'm pretty sure that we -- somebody got a
16 hold of him.

17 **DET. BAXTER:** Okay. So you pulled your car into the what,
18 the parking lot?

19 **SGT. BRANDT:** Yes.

20 **DET. BAXTER:** Okay. And you said you had logged on?

21 **SGT. BRANDT:** Yes.

22 **DET. BAXTER:** Over Inquiries?

23 **SGT. BRANDT:** Inquiry. I logged in on Inquiry and put
24 myself out on Inquiry.

25 **DET. BAXTER:** Okay. So they knew you were out on



1 somebody?

2 **SGT. BRANDT:** Yes.

3 **DET. BAXTER:** Okay. And then you proceeded to walk --
4 now, for the directions when you're walking, is -- if you're
5 walking the sidewalk, would that be going north?

6 **SGT. BRANDT:** West.

7 **DET. BAXTER:** Going west?

8 **SGT. BRANDT:** West.

9 **DET. BAXTER:** Because some of the directions down here
10 mess me up.

11 **SGT. BRANDT:** Yes.

12 **DET. BAXTER:** Okay. So you're walking west toward the
13 building?

14 **SGT. BRANDT:** Correct.

15 **DET. BAXTER:** On the sidewalk?

16 **SGT. BRANDT:** Correct.

17 **DET. BAXTER:** And you saw this person lying on the bench
18 behind the building?

19 **SGT. BRANDT:** Yes.

20 **DET. BAXTER:** Okay.

21 **SGT. BRANDT:** Well, it's actually -- it's actually in
22 front of the building. That's the front of the building.

23 **DET. BAXTER:** That's the front?

24 **SGT. BRANDT:** Yeah. The parking lot is actually the back.

25 **DET. BAXTER:** Okay. So facing the water's the front?



1 **SGT. BRANDT:** The water's the front.

2 **DET. BAXTER:** Okay. So you see him lying on the bench in
3 the front of the building facing the water in -- in that grassy
4 area out there?

5 **SGT. BRANDT:** Yes.

6 **DET. BAXTER:** Okay. And that's where this guy was with
7 the dogs?

8 **SGT. BRANDT:** Yes.

9 **DET. BAXTER:** Okay. When this guy was lying on the bench,
10 to be clear in my mind, was his head facing west away from you?

11 **SGT. BRANDT:** No. His head was east. His feet were west.

12 **DET. BAXTER:** As you're walking toward him, his head was
13 towards you?

14 **SGT. BRANDT:** Correct.

15 **DET. BAXTER:** Okay. And was his back facing west toward
16 the water or against the building?

17 **SGT. BRANDT:** Against the building.

18 **DET. BAXTER:** Against the building. Okay. So his open
19 body was facing out --

20 **SGT. BRANDT:** Yes.

21 **DET. BAXTER:** -- towards you? So when you walked up to
22 him to make contact with him, was he awake?

23 **SGT. BRANDT:** No. He was asleep.

24 **DET. BAXTER:** Okay. And so you -- did you try some verbal
25 commands first with him?



1 **SGT. BRANDT:** Yeah.

2 **DET. BAXTER:** Okay. And he didn't --

3 **SGT. BRANDT:** Huh-uh. That's why I tapped him on the
4 foot.

5 **DET. BAXTER:** Okay. Can you describe what he looked like?

6 **SGT. BRANDT:** He looked like he had either some Samoan or
7 Filipino in him. Heavyset. Darker complected. Big. Brown
8 eyes. He had like shaggy black hair. He was wearing a black
9 hoodie and then he had on black Chuck Taylors. I think he had
10 on -- I can't remember the color pants, if they were blue jeans
11 or black jeans. But he had on pants.

12 So -- and his -- his shoes were kind of laced funny.

13 Not like he laced every single lace. I kind of remember when I
14 saw it, they were like -- you know, like he skipped some laces
15 in there.

16 **DET. BAXTER:** And when you tapped him on the foot to wake
17 up, what part of you tapped his foot?

18 **SGT. BRANDT:** My foot.

19 **DET. BAXTER:** Your foot?

20 **SGT. BRANDT:** Uh-huh.

21 **DET. BAXTER:** And did that have any immediate effect on
22 him, tapping him?

23 **SGT. BRANDT:** Uh-huh. He woke up.

24 **DET. BAXTER:** Okay. And what were -- what were the words
25 you first said to him -- I'm sorry -- when you -- when you



1 first woke him up?

2 **SGT. BRANDT:** I was -- I remember saying police officer.

3 You know, "Oceanside Police," when I was walking up and then,
4 "Police," you know. "Hey, what are you doing?" Kind of trying
5 to find out what he was doing.

6 **DET. BAXTER:** And, of course, during this time, you're
7 still by yourself?

8 **SGT. BRANDT:** Correct.

9 **DET. BAXTER:** Okay. Were you wearing the uniform you're
10 wearing now?

11 **SGT. BRANDT:** Yes.

12 **DET. BAXTER:** When you -- so it was the full uniform
13 you're wearing?

14 **SGT. BRANDT:** Yes.

15 **DET. BAXTER:** Okay. Do you think anybody would have had
16 any problem distinguishing you from being a police officer or
17 anybody else?

18 **SGT. BRANDT:** No.

19 **DET. BAXTER:** Okay. So once again -- so you tapped him.
20 You're saying police, police, and what did he do again?

21 **SGT. BRANDT:** Well, he sat up.

22 **DET. BAXTER:** Okay.

23 **SGT. BRANDT:** And as he sat up, he kept looking under the
24 bench like he was looking for something. Like he was missing
25 something. And his arms were kind of crossed. Kind of across



1 his stomach. And he kept leaning over and like looking under
2 the bench. And he was kind of -- kind of panicky.

3 **DET. BAXTER:** Was he responding to you when you're
4 speaking to him?

5 **SGT. BRANDT:** A couple of the questions, he did, but when
6 I -- like when I asked where he was from, at first he's like
7 looking under the bench. And I'm like, "Hey, where you from,
8 man?" You know, "What are you doing?"

9 And he's, "San Pedro." You know, and then he kind of
10 looked back under the bench.

11 **DET. BAXTER:** Would he look at you face to face at all?

12 **SGT. BRANDT:** A couple times he did. But not -- there
13 wasn't a lot of eye contact. I remember him totally fixating
14 on my gun.

15 **DET. BAXTER:** And at the time when he was fixating on your
16 gun, was your gun in its holster?

17 **SGT. BRANDT:** It was in its holster.

18 **DET. BAXTER:** Okay. But he -- you could see him looking
19 right at it?

20 **SGT. BRANDT:** Uh-huh.

21 **DET. BAXTER:** Would he make any type of verbal
22 communication that he was looking at your gun, making any
23 comments about your gun or anything?

24 **SGT. BRANDT:** No.

25 **DET. BAXTER:** But he was looking right at it?



1 **SGT. BRANDT:** He was staring right at it.

2 **DET. BAXTER:** Okay. And on your -- on your gun belt,

3 besides your gun, do you have any other weapons at all that you

4 carry on your --

5 **SGT. BRANDT:** Not on this, no. My magazines.

6 **DET. BAXTER:** Just magazines? Anything less than lethal

7 on your -- on your -- on your belt?

8 **SGT. BRANDT:** Huh-uh.

9 **DET. BAXTER:** Any mace?

10 **SGT. BRANDT:** No.

11 **DET. BAXTER:** Okay. No Taser? No asp?

12 **SGT. BRANDT:** Nothing else on my vest.

13 **DET. BAXTER:** Okay.

14 **SGT. BRANDT:** Or on my belt.

15 **DET. BAXTER:** Okay. So once again, he was -- when you

16 said that he was lying, was he lying on his side?

17 **SGT. BRANDT:** Uh-huh.

18 **DET. BAXTER:** Okay. And you said that one foot was

19 actually slipping through the -- the railing on the -- on that

20 bench sticking out?

21 **SGT. BRANDT:** Yes.

22 **DET. BAXTER:** Okay. But then he had sat up --

23 **SGT. BRANDT:** Uh-huh.

24 **DET. BAXTER:** -- but really wasn't making much

25 communication with you at all when you were trying to find out



1 who he is and what he was doing?

2 **SGT. BRANDT:** Correct.

3 **DET. BAXTER:** So at what point was it again when you were
4 looking at him that you saw something that was tucked into his
5 abdomen area?

6 **SGT. BRANDT:** It was pretty early on. You know, if I
7 looked at the radio traffic, I put out that I was on the -- on
8 the guy and I hadn't gotten to him yet. And then pretty early
9 on I asked for a second unit. That's when I saw it, because I
10 wasn't going to address anything with what I had seen until I
11 had somebody else with me. Because that's just open area.
12 There's -- you've got no cover. You've got no concealment.
13 You've got nothing, where it was.

14 So my -- my thinking was just try and talk to him
15 until the second unit gets here. I knew that Cunniff and
16 Goldtooth were just at the harbor office. I knew it would
17 probably take them a minute or two to get to me, so my idea was
18 to have communication with him until they got there and then,
19 with multiple numbers, address what I had seen in his pocket.

20 **DET. BAXTER:** Then when you called for the -- the cover
21 unit, was that before you identified what was in his waist?

22 **SGT. BRANDT:** Yes. I thought it was a Taser at that
23 point.

24 **DET. BAXTER:** Okay. But had you already asked for the
25 cover?



1 **SGT. BRANDT:** Like -- not like a -- let me clarify this
2 real quick. Not like a Taser like we have but like the stun
3 gun, drive stun type Taser. That's what -- because I -- I saw
4 the -- what I saw was like two silver things, and I thought it
5 was like the prods. You know, like you would -- so I thought
6 that's what we were dealing with at first.

7 **DET. BAXTER:** Okay. Just trying to clarify, if you
8 remember. Did -- when you called for the -- for your cover
9 unit, was it before you saw the -- the Taser or after?

10 **SGT. BRANDT:** After.

11 **DET. BAXTER:** After.

12 **SGT. BRANDT:** Uh-huh.

13 **DET. BAXTER:** Did you voice to him that you saw anything,
14 any -- any weapon that you were recognizing what you saw?

15 **SGT. BRANDT:** Not at that point because I was in a
16 position of disadvantage.

17 **DET. BAXTER:** Okay.

18 **SGT. BRANDT:** Because I -- I mean, I was all alone and
19 basically I have two escape routes from there. You can't run.
20 You can't like simply retreat because you go across the grass
21 and down the rip raft into the harbor. So I had two escape
22 routes. So my thought was keep verbal communication going with
23 him. When the second unit shows up, then we'll address what's
24 in his pocket.

25 **DET. BAXTER:** Okay. So at that point then, I -- at some



1 point he puts his hand on top of this?

2 SGT. BRANDT: Oh, he grabbed it.

3 DET. BAXTER: Grabbed it. He grabbed it.

4 SGT. BRANDT: He grabbed it.

5 DET. BAXTER: Okay. Did he do it quickly? I mean, was
6 he --

7 SGT. BRANDT: Yeah.

8 DET. BAXTER: -- pulling it out?

9 SGT. BRANDT: I mean, from the time I called for the cover
10 unit until the time the shooting was over, seemed like that,
11 because it was quick. Because I got my radio put away and as
12 soon as I tried to talk to him again and that's immediately
13 when he goes like -- and he -- he grabs it. He -- because it
14 was kind of hanging out of the pocket.

15 So as it comes out, I see the -- the handle of it and
16 then I see the -- the hammer, silver hammer. And that's when I
17 knew. I mean, this guy is -- he's coming after you right now.

18 DET. BAXTER: Okay. At that point could you identify or
19 at least did you think it was still a Taser or it was something
20 else?

21 SGT. BRANDT: Oh, no. I knew at that point it was a gun,
22 100 percent.

23 DET. BAXTER: When he made -- as he pulled it?

24 SGT. BRANDT: As soon as he went for it. Yeah. When I
25 saw the hammer, I -- the way he was holding it, I knew that it



1 was a gun.

2 **DET. BAXTER:** The way you're describing it, you're showing
3 it to me, you're pulling your right hand into your waist area
4 and pulling in an upward motion.

5 **SGT. BRANDT:** Right. But it wasn't really in his waist
6 because the -- the -- so the hoodie was kind of hanging down,
7 so he kind of had the gun cradled in it. I think he realized
8 that the gun was still with him and then it was kind of
9 cradled, and I could see him kind of moving his arms. So I
10 know that he knew that he had it right there.

11 And I remember -- I do remember saying, "Don't reach
12 for that," right when I his hand start to go. "Don't reach for
13 that." And then it was coming out and I -- I cleared leather
14 from my holster and immediately addressed the threat.

15 **DET. BAXTER:** And did you -- did you voice that --

16 **SGT. BRANDT:** Yeah.

17 **DET. BAXTER:** You voiced it?

18 **SGT. BRANDT:** Uh-huh.

19 **DET. BAXTER:** Do you remember exactly what you said?

20 **SGT. BRANDT:** Not exactly. I just remember something to
21 the effect of, "Don't reach for that."

22 **DET. BAXTER:** Okay. So you said, "Don't reach for that."
23 And can you again tell me what happened then?

24 **SGT. BRANDT:** About the time "Don't reach for that" got
25 out, I put three rounds into him.



1 **DET. BAXTER:** Was his -- was his arm still moving as you
2 were saying this?

3 **SGT. BRANDT:** Uh-huh.

4 **DET. BAXTER:** Upwards and out?

5 **SGT. BRANDT:** Uh-huh.

6 **DET. BAXTER:** Or --

7 **SGT. BRANDT:** He had it cupped. He had the gun cupped.
8 And I don't know -- I saw -- because the gun didn't come all
9 the way out, so I don't know if he got sweatshirt or what he
10 got, but I could see the butt at first. And then as he rocked
11 it out, I could see the hammer, and then as it came out more --
12 and that's when -- when I put my three rounds in. I could -- I
13 knew it was -- I knew it was a gun.

14 **DET. BAXTER:** At this time when you saw the -- the hammer,
15 identified it as a gun, and his hand was moving to pull it out,
16 and as you say grabbed it, so I take it that this was a -- it
17 wasn't a slow movement. It was faster than --

18 **SGT. BRANDT:** It was -- it was pretty quick.

19 **DET. BAXTER:** Pretty quick?

20 **SGT. BRANDT:** Yeah.

21 **DET. BAXTER:** And at what point did you draw your weapon?

22 **SGT. BRANDT:** As I was giving the "Don't reach for that."

23 **DET. BAXTER:** Because your weapon had been holstered the
24 entire time?

25 **SGT. BRANDT:** Yeah.



1 DET. BAXTER: Okay.

2 SGT. BRANDT: Because I'm -- I'm like -- I don't think my
3 first two -- my first two rounds were from single hand because
4 it was bam, the first one here, as I was coming up, bam, the
5 second one. And then the third one, I put more into him,
6 because I had two hands on at that point.

7 DET. BAXTER: How many feet do you think you were from
8 him?

9 SGT. BRANDT: Six.

10 DET. BAXTER: Six feet?

11 SGT. BRANDT: Yeah.

12 DET. BAXTER: At any time during this event, did you move
13 left, right, forward, backward, or were you stationary in one
14 place while this was all going on?

15 SGT. BRANDT: I bladed off a little bit more, but I didn't
16 blade off that far. So I moved -- originally I was real close
17 because I had to touch him to wake him up.

18 DET. BAXTER: Uh-huh.

19 SGT. BRANDT: And then I stepped back more in like a
20 45-degree angle from him, back towards the harbor and the grass
21 area.

22 DET. BAXTER: Okay. So he -- he reached -- if I'm
23 understanding, he was yanking the gun out. You had already
24 told him don't -- don't do that, don't pull that out. You
25 unholstered your own weapon and very quickly two shots



1 one-handed, a third --

2 **SGT. BRANDT:** Yes.

3 **DET. BAXTER:** -- with two hands. Tell me what happened
4 when you fired those rounds. What did he do?

5 **SGT. BRANDT:** It was surreal. First one hit. Saw the
6 sweatshirt blow open.

7 **DET. BAXTER:** That's the right biceps?

8 **SGT. BRANDT:** Biceps. Third one hit. Sweatshirt blew
9 open. His arm's still holding the gun. And then -- the second
10 one. And then the third one hit. He kind of slumped over and
11 as he slumped over, he just stood right up. And he still had
12 the gun. And as he stood up, I put a fourth one right into his
13 gut. Kind of -- I was going for 10 ring, but I know I didn't
14 hit him there.

15 **DET. BAXTER:** As I'm watching here, you're standing up and
16 after the three rounds hit him, initially hit him, he stands
17 up. And you're showing me the way he was presenting himself to
18 you. He still had that gun --

19 **SGT. BRANDT:** Uh-huh.

20 **DET. BAXTER:** -- cupped in his -- was it -- which hand is
21 it?

22 **SGT. BRANDT:** Right.

23 **DET. BAXTER:** In his right hand? So he stood up after the
24 three initial rounds, stands up. The gun's still in his hand.
25 Do you remember voicing anything more to him?



1 **SGT. BRANDT:** No.

2 **DET. BAXTER:** Okay.

3 **SGT. BRANDT:** No, I don't.

4 **DET. BAXTER:** So you fired the -- the fourth round.

5 **SGT. BRANDT:** After -- so after the fourth round, I told
6 him to get on the ground.

7 **DET. BAXTER:** Let's go on from that point. So you fire
8 the fourth round. Did you see where it went?

9 **SGT. BRANDT:** Pretty sure the fourth one was center mass
10 somewhere. I didn't see that one impact. I know that I hit
11 him, and I'm pretty sure it was a gut shot.

12 **DET. BAXTER:** Okay. And what happened then?

13 **SGT. BRANDT:** Then he turned his back towards me and he
14 started to like walk away. And then his hands went back in.
15 So his hands go back like this and he's kind of slumped over a
16 little bit. And I'm yelling at him, "Get on the ground." And
17 then I'm thinking he's going for another gun, and I put one
18 right there. I know right where that one hit because I watched
19 the sweatshirt explode on that one.

20 **DET. BAXTER:** And as your -- your back is facing me and I
21 see you pointing to your left, right just above the -- the left
22 belt line.

23 **SGT. BRANDT:** Right in the left kidney.

24 **DET. BAXTER:** So he had turned his back to you? At what -
25 - did he still have that gun?



1 **SGT. BRANDT:** No. When he stood up, when he finally got
2 all the way up after the fourth shot, the gun hit the ground.
3 So that gun hits the ground and it falls. So he was like here.
4 And actually he made it probably about two steps, and then
5 finally the gun came out. And the gun fell, and then he was
6 still here, and I was yelling at him, "Get on the ground." And
7 that's when I shot the fifth time.

8 **DET. BAXTER:** So am I understanding this correctly that
9 the gun fell as he was turning to go away, to walk away from
10 you?

11 **SGT. BRANDT:** Correct.

12 **DET. BAXTER:** Okay. I'm a little mixed up with that. And
13 when the gun fell to the ground, what area of the ground did it
14 fall to?

15 **SGT. BRANDT:** It fell right on the corner of the bench.

16 **DET. BAXTER:** Okay. Is that -- is that grass? What is
17 it?

18 **SGT. BRANDT:** It's pavement. Concrete.

19 **DET. BAXTER:** Okay. And do you actually see it hit?

20 **SGT. BRANDT:** Oh, yeah.

21 **DET. BAXTER:** Okay.

22 **SGT. BRANDT:** Heard it too.

23 **DET. BAXTER:** Okay. And then did it -- but he turned his
24 back to you and, once again, what was happening? He turned his
25 back and what?



1 **SGT. BRANDT:** His hands went back down in front of him,
2 and I thought he's going -- he's getting another gun.

3 **DET. BAXTER:** At any time during this -- this period, this
4 exact second you're talking about, did you get a chance to
5 voice anymore orders toward him?

6 **SGT. BRANDT:** No, because from the time he stood up --
7 from the time he went for it to the first volley of three, the
8 one and the one, in my mind, I know it was going fast, but I'm
9 guessing it was three to five seconds, start to finish.

10 **DET. BAXTER:** Okay. So the last round hits him in the
11 left kidney area and, once again, what happened next?

12 **SGT. BRANDT:** Then he kind of spins back towards me and he
13 falls right at the edge of the bench. Didn't hit his head on
14 the -- on the wall or the bench. He fell straight down. So he
15 falls like this. So he's stumbling away. The last one goes
16 off. And he kind of turns like this and, as he turns, just
17 kind of falls over his feet, and he falls. And the gun's right
18 on the corner of the bench.

19 **DET. BAXTER:** Okay. At that point he falls to the ground.

20 **SGT. BRANDT:** Yes, sir.

21 **DET. BAXTER:** What did you do next?

22 **SGT. BRANDT:** Took a second to just get my composure.
23 Pulled out my radio. And I said, "5 Sam. I have shots taken.
24 Suspect down. I need 1141."

25 **DET. BAXTER:** Okay.



1 **SGT. BRANDT:** And I watched the guy just basically go -- I
2 mean, it was pretty quick. He went totally limp. And so put
3 the radio away for a second. Or actually I said something else
4 and then I remember saying on the radio, you know, "Just give
5 me a second. I need to get my composure real quick," because I
6 just had this adrenaline going at that point.

7 Took a breath. Said okay, let's do this. Get back
8 on the radio, and I think I said I needed some units to shut
9 some stuff off. But it wasn't like -- you know, I'm used to
10 working out -- I've only been down there for two years and I'm
11 used to having perimeters where it's like, yeah, shut this
12 intersection off, that intersection off. You know the way I
13 worked. I threw a big net. And I'm like there's nothing to
14 really shut off so -- you know.

15 And then I put my radio away. And he's -- he's
16 lifeless at this point. I don't even -- I can't even see if
17 he's breathing. I see -- or I hear the sirens coming from my
18 office area. So I know that's Dave and Goldtooth. So I -- I
19 moved -- I stepped offline a little bit so I wasn't where he
20 knew I was when he went down. And I unsnapped my magazine and
21 I pulled it out. I dropped a magazine. Immediately, magazine
22 in, seated. Stowed the magazine back in there. And then just
23 held guns on him until Cunniff and Goldtooth got there.

24 I think Dispatch was asking some questions on the
25 radio, but I -- I can't remember all of a sudden the radio



1 right now, Doug.

2 **DET. BAXTER:** When Dave -- when Cunniff and Goldtooth got
3 there, did you give them any direction at all?

4 **SGT. BRANDT:** Yeah.

5 **DET. BAXTER:** What did you say?

6 **SGT. BRANDT:** First Aid. Guy needs First Aid. Because
7 they were -- they had guns out, and I said, "Put the guns away.
8 You need to put gloves on. We need to give First Aid."

9 **DET. BAXTER:** And did they obey your commands?

10 **SGT. BRANDT:** Absolutely.

11 **DET. BAXTER:** Okay. And you saw -- what were they -- what
12 were they actually doing? Do you remember?

13 **SGT. BRANDT:** Well, first Dave moved the gun away. And
14 then Dave -- they -- they both went down. And that's when
15 Lieutenant Laser showed up and I don't -- to that I can't tell
16 you what they did.

17 **DET. BAXTER:** But they were performing First Aid?

18 **SGT. BRANDT:** Yeah, I saw a little while later -- when I
19 was on the other side of the building, I saw Goldtooth run the
20 EMT bag over to Dave because Dave's an EMT. So I saw that
21 going over there, so I knew they were giving him the best care
22 they could at the time.

23 **DET. BAXTER:** When -- when he -- when you identified
24 that -- that firearm, what -- maybe what you thought was it's a
25 Taser at first --



1 **SGT. BRANDT:** Uh-huh.

2 **DET. BAXTER:** -- which then became -- I believe, when you
3 saw the hammer, then quickly it was a firearm, that he was
4 moving it out, did you think you had any other option at that
5 moment other than using deadly force?

6 **SGT. BRANDT:** No. Not at all, dude. I didn't want to
7 have to shoot nobody. I didn't.

8 **DET. BAXTER:** Yeah, and I think we spoke that the -- that
9 the only weapon you carry on your belt is your --

10 **SGT. BRANDT:** That's correct.

11 **DET. BAXTER:** -- is your firearm and your magazines?

12 **SGT. BRANDT:** Yep.

13 **DET. BAXTER:** Okay. And I think -- correct me if I'm
14 wrong -- you were aware what was going on for a background
15 behind you?

16 **SGT. BRANDT:** Yes, cinderblock.

17 **DET. BAXTER:** Have -- are you aware at this time -- are
18 you qualified on your Glock right now?

19 **SGT. BRANDT:** Yes.

20 **DET. BAXTER:** For --

21 **SGT. BRANDT:** I'm not qualified on this one. I'm going to
22 go to the range soon as I'm done with all the interviews and
23 stuff to get rounds done --

24 **DET. BAXTER:** But the one that you were carrying --

25 **SGT. BRANDT:** Yes.



1 **DET. BAXTER:** -- you've got your qual --

2 **SGT. BRANDT:** So I'm good to go.

3 **DET. BAXTER:** -- quarterly eval?

4 **SGT. BRANDT:** Yes.

5 **DET. BAXTER:** Okay.

6 **MS. GORDON:** When you say this one, you're referring to
7 the fact that we switched out your gun after the incident. You
8 have a new one.

9 **SGT. BRANDT:** That is correct, Amy.

10 **MS. GORDON:** Okay.

11 **DET. BAXTER:** But the one you were carrying, you were --

12 **SGT. BRANDT:** Yes.

13 **DET. BAXTER:** -- qualified to carry on that one?

14 **SGT. BRANDT:** Yes.

15 **DET. BAXTER:** The -- did any other witnesses approach you
16 while you were there at the time, either before or after this
17 happened, besides the one man that flagged you down?

18 **SGT. BRANDT:** What do you mean by that?

19 **DET. BAXTER:** Witnesses to what happened. I think you
20 mentioned there was somebody with some dogs or --

21 **SGT. BRANDT:** I pointed him out. He was still there. I
22 asked him -- when Lieutenant Laser got there, I said, "Hey, can
23 you stick around. I'm going to need you to be here." And the
24 guy's like, "Yeah, I'll be here." So he was standing at the
25 base of "O" dock, right at the gangway.



1 DET. BAXTER: Okay.

2 SGT. BRANDT: Right at the gate.

3 DET. BAXTER: Any questions?

4 DET. DAVIS: Hey, Sarge. Since we're on that topic, you
5 said when you walked up that you saw him with a couple dogs?

6 SGT. BRANDT: Yes.

7 DET. DAVIS: In relationship to where the guy was sleeping
8 at, is that to the south?

9 SGT. BRANDT: Correct.

10 DET. DAVIS: On the grass area?

11 SGT. BRANDT: Yes.

12 DET. DAVIS: Okay. And then when you went and made your
13 contact, did you see where he had went at that point with the
14 dogs?

15 SGT. BRANDT: So he and -- yeah, because actually, on
16 my -- when I shot my fifth shot, I saw him. He was kind of
17 behind like an electrical box.

18 DET. DAVIS: Okay.

19 SGT. BRANDT: Right by "O" dock. Right by the little
20 walkway to "O" dock. So between the -- the walkway and the --
21 and the grassy area, there's like -- I think there might be
22 some palm trees or something there, little ones. But he was
23 right over there. Because that's why that -- that fifth shot,
24 I didn't put it center mass. I put it down low because I still
25 had the building as my backdrop.



1 DET. DAVIS: Okay. As opposed to maybe --

2 SGT. BRANDT: To -- trying to come up high and then I
3 got -- I could fly it straight down the -- you know, if I
4 miss --

5 DET. DAVIS: Okay.

6 SGT. BRANDT: -- I'm pretty sure of my shooting, but I
7 didn't want to take any chances.

8 DET. DAVIS: Right. You contacted the gentleman. He sat
9 up. You said he was kind of looking under the bench.

10 SGT. BRANDT: Uh-huh.

11 DET. DAVIS: Do you remember what he was doing while he
12 was looking under the bench? Do you remember where --

13 SGT. BRANDT: He was just -- he was looking back up under
14 the bench.

15 DET. DAVIS: Okay. Was he doing anything with his hands?
16 Was he --

17 SGT. BRANDT: He had his hands across his body like this.

18 DET. DAVIS: Okay.

19 SGT. BRANDT: So what I -- I can only -- I can only
20 surmise what I think he might have been doing.

21 DET. DAVIS: Right.

22 SGT. BRANDT: And I don't know that that's what needs to
23 be said in here. So --

24 DET. DAVIS: Okay.

25 SGT. BRANDT: -- I don't know what he was thinking or --



1 all I know is he kept looking under the bench and then when --
2 in my mind, when he realized what he was looking for wasn't
3 under the bench, he still had it, that's when he redirected his
4 attention back towards me and he -- he became fixated and then
5 he --

6 **DET. DAVIS:** Okay.

7 **SGT. BRANDT:** -- made his move.

8 **DET. DAVIS:** And I'm not sure if you said -- you said when
9 he was fixated on you, he kind of -- he kind of -- the
10 sweatshirt was kind of cupped.

11 **SGT. BRANDT:** Uh-huh. Because you know the sweatshirt,
12 it's not like it's in your waistband.

13 **DET. DAVIS:** Right.

14 **SGT. BRANDT:** So it kind of hangs down a little bit lower.

15 **DET. DAVIS:** Was it cupped in his hand? You said it was
16 cupped.

17 **SGT. BRANDT:** It was kind of cupped in his arm.

18 **DET. DAVIS:** Cupped in his arms. Okay.

19 **SGT. BRANDT:** Yeah.

20 **DET. DAVIS:** And then when you saw him make that move, his
21 hands were -- were still -- were outside and then went in?

22 **SGT. BRANDT:** The -- the left one kind of stayed cupped
23 there.

24 **DET. DAVIS:** Okay.

25 **SGT. BRANDT:** Because I -- I believe that that one was



1 supporting the gun.

2 **DET. DAVIS:** Okay.

3 **SGT. BRANDT:** And then the right one grabbed it.

4 **DET. DAVIS:** Okay.

5 **SGT. BRANDT:** Started pulling it out.

6 **DET. DAVIS:** All right. All right.

7 **DET. BAXTER:** Have you ever seen this guy before?

8 **SGT. BRANDT:** Nope. Never in my life.

9 **DET. BAXTER:** Did -- I'm trying to understand. These
10 first three rounds that you fire toward him, it had no effect
11 on him even though you saw them make -- make impact on his body
12 and they had no effect?

13 **SGT. BRANDT:** Nope. He still stood up.

14 **DET. BAXTER:** Did he say anything?

15 **SGT. BRANDT:** Nope.

16 **DET. DAVIS:** Ever say anything to you after shots were
17 fired?

18 **SGT. BRANDT:** Nope. The last thing he said to me was "San
19 Pedro" and "I'm fishing." He repeated that a couple of times.

20 **DET. BAXTER:** Besides Dave Cunniff kicking that gun away,
21 away from the suspect, do you know if anything else got moved
22 at the scene at all?

23 **SGT. BRANDT:** Not -- not -- I can't speak for what got
24 moved. I know that, obviously, when we went back for the walk
25 through, his sweatshirt was laying there. You know, so



1 obviously that got taken off of him. I know he got wheeled
2 away. I saw him go by into the ambulance. So no, I can't
3 speak of -- because literally, Doug, the way it went down was
4 Lieutenant Laser -- Dave and Goldtooth were working on him and
5 then I think Mulroy might have shown up. No, Boonie. Boonie
6 or Mulroy. I don't know who showed up. But Lieutenant Laser
7 gave them some direction and she goes, "Come on. We're going
8 this way." And she took me around the side of the building and
9 I didn't see anything else.

10 **DET. BAXTER:** Okay. As far as you know, were all your
11 magazines fully loaded?

12 **SGT. BRANDT:** Yes, they were absolutely 100 percent fully
13 loaded.

14 **DET. BAXTER:** Okay. Which would be how many magazines in
15 each -- I mean, how many rounds each magazine?

16 **SGT. BRANDT:** Seventeen in each and one in the chamber.

17 **DET. BAXTER:** One in the chamber? Okay.

18 **SGT. BRANDT:** Fifty-two rounds.

19 **DET. DAVIS:** Hey, real quick, Sarge, going back.

20 **SGT. BRANDT:** Yes, sir.

21 **DET. DAVIS:** And you said it earlier about when he -- you
22 saw what was in his pocket and you thought it was a Taser. As
23 he reached for it, you noticed it was a gun. And you said
24 something to the effect, "This guy's going to kill me."

25 **SGT. BRANDT:** Yeah.



1 **DET. DAVIS:** Can you kind of -- what was your state of
2 mind? What exactly? I mean, when you --

3 **SGT. BRANDT:** He's pulling a gun out to shoot me.

4 **DET. DAVIS:** Okay.

5 **SGT. BRANDT:** And I reacted. I'm like there's no way I'm
6 going to get shot right now. There's no way.

7 **DET. DAVIS:** When you thought it was a Taser at first,
8 what were you thinking at that point?

9 **SGT. BRANDT:** I was thinking I get a couple more -- get
10 another two bodies there and then we'd address what he had at
11 that point.

12 **DET. DAVIS:** Okay. And the fact that it moved a lot
13 faster than having your cover come --

14 **SGT. BRANDT:** Oh, yeah.

15 **DET. DAVIS:** -- escalating.

16 **SGT. BRANDT:** Yeah, I didn't write the script, man.

17 **DET. DAVIS:** Okay.

18 **SGT. BRANDT:** It wouldn't have gone this way.

19 **DET. DAVIS:** And then after you put the three rounds in
20 him, what were you thinking at that point?

21 **SGT. BRANDT:** I started to assess and then immediately his
22 hand was still there, and I put one more. Soon as that fourth
23 one went in, that's when the gun -- when he kind of turned and
24 the gun hit the deck.

25 **DET. DAVIS:** Okay.



1 **SGT. BRANDT:** And then I thought, okay, you know, get on
2 the ground. And he goes to walk away, hands go back in front
3 of him, and I'm like, you know, he's -- he's getting something
4 else.

5 **DET. DAVIS:** When you say his hands went back in front of
6 him, what were they doing before that? Do you remember?

7 **SGT. BRANDT:** They kind of had come out to his side.

8 **DET. DAVIS:** Okay.

9 **SGT. BRANDT:** And then when he -- as he turned, they went
10 back, like into his -- like, so that -- I could see the
11 sweatshirt kind of pull.

12 **DET. DAVIS:** Uh-huh.

13 **SGT. BRANDT:** So they were going back into the sweatshirt.

14 **DET. DAVIS:** So it was an obvious movement from his hands
15 being out.

16 **SGT. BRANDT:** Yes.

17 **DET. DAVIS:** Him --

18 **SGT. BRANDT:** Absolutely.

19 **DET. DAVIS:** -- okay. Okay.

20 **DET. BAXTER:** And, Jeff, just real fast. If -- if it had
21 turned out -- you know, initially, you're -- you thought this
22 was a stun gun of some sort. Your ordinary course of action or
23 mind thought when you called for -- for Dave and for Goldtooth
24 to come was going to be, once again, what at that time?

25 **SGT. BRANDT:** Once I get units there, then we'll, you



1 know, put him on notice. I got numbers on my side and we'll
2 take it by the numbers at that point. You know, we -- we can
3 predict, we can contingency plan for all these things, but
4 they're writing the script, you know, and they -- they choose
5 to play out whatever script they want to. Unfortunately, we
6 become a reactionary mode and that's -- that's where we were,
7 you know.

8 Had it -- had he sat there and just been chill, you
9 know, Dave and Goldtooth would have gotten there and then we
10 could have addressed the issue and hopefully wouldn't have had
11 this outcome.

12 **DET. DAVIS:** Oh. Did the lieutenant just keep going on
13 her way out to the -- did she ever return?

14 **SGT. BRANDT:** Oh, yeah. She got right back. So -- so
15 like I got on the radio -- because literally, I mean, Goldtooth
16 and Cunniff got there and I said, "Start doing First Aid." And
17 like almost walking up right behind them was Lieutenant Laser.
18 So yeah.

19 **DET. DAVIS:** And she responded -- or if you know -- to the
20 radio or because you had pulled off? Did she ever say
21 anything?

22 **SGT. BRANDT:** I think she might have heard some shots from
23 where she was at the time.

24 **DET. DAVIS:** Okay.

25 **SGT. BRANDT:** And then the radio traffic as well.



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1 **DET. DAVIS:** Okay.

2 **SGT. BRANDT:** But I can't tell you why she responded or
3 how.

4 **DET. DAVIS:** Okay. I didn't know if you had --

5 **SGT. BRANDT:** Yeah.

6 **DET. BAXTER:** I know you didn't have any other force
7 options to use other than your firearm. If you would have had
8 any other options, do you think there would have been any --
9 anything else you could have used at the time?

10 **SGT. BRANDT:** Absolutely not. Absolutely 100 percent not.
11 This was a lethal force situation. This guy was going to kill
12 me and I was not going to let that happen.

13 **DET. BAXTER:** When he was looking underneath the bench,
14 was there anything down there at all?

15 **SGT. BRANDT:** No.

16 **DET. BAXTER:** At all? Just empty space or --

17 **SGT. BRANDT:** Unless like sunflower seeds or something,
18 but nothing of interest.

19 **DET. BAXTER:** When he was doing that, what were you
20 thinking? When he was like looking under the bench?

21 **SGT. BRANDT:** Well, then I saw the -- I saw what I thought
22 was the Taser.

23 **DET. BAXTER:** Right.

24 **SGT. BRANDT:** So I thought, oh, you know, bonehead's
25 looking for what's in his pocket. He probably can't remember



1 where he put it or it fell out.

2 **DET. BAXTER:** Okay.

3 **SGT. BRANDT:** You know.

4 **DET. BAXTER:** Just to get clear in my mind real fast, when
5 you first saw that Taser, did it look like it was like folded
6 up in the folds of that hoodie or was it in a pocket or --

7 **SGT. BRANDT:** It was in the pocket. The right pocket.

8 **DET. BAXTER:** The front pocket of --

9 **SGT. BRANDT:** Right front pocket.

10 **DET. BAXTER:** Okay. So that's where it was sticking up
11 out of?

12 **SGT. BRANDT:** Uh-huh.

13 **DET. BAXTER:** Okay.

14 **DET. DAVIS:** Do you know if it was a through-pocket or was
15 it --

16 **SGT. BRANDT:** That I don't know.

17 **DET. DAVIS:** -- two? Okay.

18 **SGT. BRANDT:** That I don't know.

19 **DET. DAVIS:** But you saw it hanging out.

20 **SGT. BRANDT:** It was out of the right corner, the right
21 side. So if it's one pocket, it was the right side of the
22 pocket.

23 **DET. DAVIS:** All right. Okay.

24 **SGT. BRANDT:** Yeah.

25 **DET. BAXTER:** Can you give us a second?



SGT. BRANDT: Yeah, because I need to go to the bathroom.

MS. GORDON: I'm sorry. Give -- give you two a second?

DET. BAXTER: Yeah.

MS. GORDON: Yeah.

DET. BAXTER: Yeah.

MS. GORDON: Absolutely. Do you want us to step out?

DET. BAXTER: Oh, no, no, no. We'll step out.

MS. GORDON: You guys want to step out. Okay.

SGT. BRANDT: I need to go to the bathroom.

MS. GORDON: Please. Please. Why don't we just pause the

recording.

(Brief break taken.)

3 DET. BAXTER: It is 2:15 p.m. and we're back on the
4 record.

15 Okay. Jeff, there's just a couple things that I just
16 wanted to clarify.

17 When you first, initially, came upon this guy laying
18 on the bench and you first woke him up by tapping his foot and
19 you said he -- when he woke up that he was looking under the --
20 the bench, and you said he had a -- like a kind of a panicky
21 look or a panicky demeanor, can you explain what you think
22 that -- what's going on with that?

SGT. BRANDT: What he was thinking or what I --

DET. BAXTER: No. What did you assess when you saw that?

SGT. BRANDT: He was like -- he was kind of -- it was



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1 obvious he was missing something and he was trying to figure
2 out where it was quick because he's looking at a police officer
3 right now, and I'll describe it as the "oh, shit moment."
4 Like, oh, shit, what's happening now?

5 And he's kind of -- you know, he's kind of like
6 looking underneath, and you could tell he's trying to get
7 control of his thoughts real quick because his brain is not --
8 he just got woke up and obviously, you know, he wanted to know
9 where his gun was. He didn't know where it was right then, you
10 know. Did he drop it underneath him? What did I know at that
11 point?

12 And he -- once he realized that he had it, then I
13 think it became down to, you know, he -- he stopped being so
14 panicky and he was more focused on my mannerisms, especially
15 where my hand, back here, he was focused on my gun. And I
16 think he was sizing me up, trying to figure out when was the
17 time to make his move.

18 **DET. BAXTER:** And what were you thinking then at the time
19 when you were seeing this?

20 **SGT. BRANDT:** In the beginning I thought -- you know, I
21 thought, okay, you know, maybe he -- maybe he dropped
22 something. You know, maybe he dropped a teener of dope or
23 something, you know. And then I saw the Taser and I'm
24 thinking, okay, this isn't -- you know, he's got something.
25 Something weird's going on with this dude, you know. He's --



1 he's not normal. This isn't right, right now.

2 So then, you know -- and then it just happened so
3 quick. You know, all of a sudden, here comes the gun out and
4 I'm like here we go.

5 **DET. BAXTER:** When -- when you actually fire the shots, I
6 think you said that you -- you thought you were about six-feet
7 away. You had gone off at a 45-degree angle. What were you
8 standing on at that point?

9 **SGT. BRANDT:** Concrete.

10 **DET. BAXTER:** Still concrete?

11 **SGT. BRANDT:** Yeah.

12 **DET. BAXTER:** Okay. I know that you had said, when I
13 asked you earlier if you ever seen this guy before and you said
14 you had not. Had -- in the previous -- previously, had anyone
15 told you about this guy at all? That his --

16 **SGT. BRANDT:** No.

17 **DET. BAXTER:** -- that he'd been around or anything?

18 **SGT. BRANDT:** Nope.

19 **DET. BAXTER:** At all?

20 **SGT. BRANDT:** Nope.

21 **DET. BAXTER:** So you weren't aware of anything about this
22 guy at all?

23 **SGT. BRANDT:** Correct.

24 **DET. BAXTER:** Period. After -- after you used -- fired
25 your first three shots and -- and you were assessing him, what



1 were you assessing for?

2 **SGT. BRANDT:** Was he going to go down? What were his
3 reactions going to be? Is he going to physically try and
4 attack me now? Does he still -- he still had the gun, so I --
5 you know, I -- I saw he still had the gun and that's when,
6 boom, one more. That's when the gun came out.

7 **DET. BAXTER:** Okay.

8 **SGT. BRANDT:** Or that's when the gun finally made it all
9 the way out of his possession.

10 **DET. BAXTER:** That was after he had kind of turned away
11 from you and was starting to take a couple steps; right?
12 You're saying --

13 **SGT. BRANDT:** Yeah.

14 **DET. BAXTER:** -- the gun fell out at that point?

15 **SGT. BRANDT:** It was pretty -- I mean, it literally --
16 timeline-wise, it's like -- down. That's how quick this whole
17 thing went down.

18 **DET. BAXTER:** So the three to five seconds is from the
19 first time you pulled your gun out to -- to the whole thing
20 stopped.

21 **SGT. BRANDT:** From the first round going down range.

22 Yeah.

23 **DET. BAXTER:** Until he fell to the ground.

24 **SGT. BRANDT:** Yeah. I mean, it was like (snaps fingers
25 three times).



1 DET. BAXTER: And I think the last one. Do you remember
2 when he turned from you --

3 | SGT. BRANDT: Uh-huh.

4 DET. BAXTER: -- and you fired that --

5 SGT. BRANDT: Fifth shot.

6 DET. BAXTER: -- fifth shot, did you -- were you still in
7 the same spot? Did you move forward? Did you move backwards?
8 I know he was moving away.

9 SGT. BRANDT: I -- if anything -- yeah, I don't remember
10 where I moved. I was pretty much the same general area.

11 DET. BAXTER: Okay.

12 SGT. BRANDT: I didn't move very far.. I knew that -- you
13 know, I just didn't move very far.

14 DET. BAXTER: Okay. So you don't remember if, when he got
15 up off the bench, if you --

16 SGT. BRANDT: I might have -- I might have went back a
17 little bit. To be honest with you, I was in fight mode. So if
18 I went back, it wasn't very far.

DET. BAXTER: Okay. That's all the more I had.

DET. DAVIS: I think that's it.

21 | DET. BAXTER: Anything at all, Amy?

22 MS. GORDON: No.

23 **DET. BAXTER:** Okay. The time I have is 2:24 p.m. And
24 that will conclude the interview of Sergeant Jeff Brandt.

25 (Conclusion of Recorded Material.)



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